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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Stephen Todd

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EMC CORPORATION

c/o DALY, CROWLEY, MOFFORD & DURKEE, LLP

354 ATURNPIKE STREET

SUITE 301A

CANTON, MA 02021-2714

EXAMINER

LESNIEWSKI, VICTOR D

ART UNIT

PAPER NUMBER

2152

DATE MAILED: 06/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/989,583	TODD ET AL.	
	Examiner	Art Unit	
	Victor Lesniewski	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed 3/22/2006 has been placed of record in the file.
2. Claims 1 and 19-22 have been amended.
3. Claim 23 has been canceled.
4. Claims 1-22 are now pending.
5. The applicant's arguments with respect to claims 1-22 have been fully considered but they are not persuasive. A detailed discussion is set forth below.

Response to Amendment

6. Claims have been amended to show that the configuration information is hardware configuration information. The amendment proves a change in scope to the independent claims as the independent claims now explicitly state hardware configuration information associated with the resources. However, none of the amended claims show a patentable distinction over the prior art of record as discussed below.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 1-6, 8-11, and 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stone et al. (U.S. Patent Number 6,421,737), hereinafter referred to as Stone, in view of Wilson et al. (U.S. Patent Number 6,714,976), hereinafter referred to as Wilson.

9. Stone disclosed a system for monitoring selected resources of a computing system using standardized monitoring modules. In an analogous art, Wilson disclosed a system for automated monitoring of network resources using diagnostic information. Both systems satisfy the need for more efficient network monitoring.

10. Concerning claims 1, 19, and 20, Stone did not explicitly state a database comprising at least one table containing the hardware configuration information associated with the resources. However, Wilson does state this feature as his monitoring system stores monitored configuration values in a data repository. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Stone by adding the ability to utilize a database comprising at least one table containing the hardware configuration information associated with the resources as provided by Wilson. Here the combination satisfies the need for simpler and more effective means for monitoring network diagnostic information. See Wilson, column 2, lines 6-14. This rationale also applies to those dependent claims utilizing the same combination.

11. Some claims will be discussed together. Those claims which are essentially the same except that they set forth the claimed invention as a computer program product or a system are rejected under the same rationale applied to the described claim.

12. Thereby, the combination of Stone and Wilson discloses:

- <Claims 1, 19, and 20>

A method of managing resources, comprising: connecting to the resources (Stone, column 3, lines 24-32); providing executable modules corresponding to the resources, the modules each implementing a common interface and corresponding to a different one of the resources (Stone, column 3, lines 24-29 and 55-62); making calls to the common interface in each of the executable modules to cause the executable modules to return information about the corresponding resources, wherein the information includes at least one of hardware configuration information associated with the resources or customer information (Stone, column 6, lines 10-22 and Wilson, column 10, lines 7-33 and column 14, lines 35-67); and storing the information about the corresponding resources in a database comprising at least one table containing the at least one of the hardware configuration information associated with the resources or the customer information (Stone, figure 1, item 17 and Wilson, column 10, lines 7-33 and column 14, lines 35-67).

- <Claim 2>

The method of claim 1, wherein the resources comprise data storage resources (Stone, column 3, lines 29-32).

- <Claim 3>

The method of claim 2, wherein the data storage resources reside in a datacenter controlled by a storage service provider (Stone, column 3, lines 29-32).

Although Stone does not use the terminology “service provider,” he does explicitly disclose a number of resources stored on such computing equipment as network servers. From Stone’s system it is clearly inherent that if these resources exist on network servers,

then there exists a provider for these resources. In support of this inherency, Newton's Telecom Dictionary 2002, as previously cited, has been introduced. See MPEP 2131.01.

- <Claim 4>

The method of claim 3, further comprising presenting the information to an administrator of the storage service provider (Stone, column 6, lines 17-20).

- <Claim 5>

The method of claim 4, wherein the information comprises data storage resource attributes (Stone, column 5, lines 20-32).

- <Claim 6>

The method of claim 5, further comprising enabling the administrator to select, for a given data storage resource, which of the data storage attributes are to be stored in the database (Stone, column 5, lines 29-32).

- <Claim 8>

The method of claim 4, further comprising: generating a directory of the executable modules; and placing each of the executable modules in the directory (Stone, figure 1, item 16).

- <Claim 9>

The method of claim 8, wherein the common interface comprises a set of methods (Stone, column 3, lines 55-62).

- <Claim 10>

The method of claim 9, wherein the methods include a first method that, when called, cause the executable module to identify the class of resources monitored by that

executable module, and a second method that, when called, causes the executable module to discover any resources within the identified class that are connected (Stone, column 4, lines 51-66).

- <Claim 11>

The method of claim 10, wherein the methods further include a third method that, when called, causes the executable module to poll the resources that were discovered by the executable module (Stone, column 5, lines 52-67).

- <Claim 17>

The method of claim 5, further comprising: adding a new data storage resource to the datacenter (Stone, column 2, lines 49-56); connecting to the new data storage resource (Stone, column 3, lines 24-32); providing a new one of the executables modules to correspond to the new data storage resource (Stone, column 2, lines 52-56); and placing the new one of the executable modules in the directory (Stone, column 2, lines 56-59).

- <Claim 18>

The method of claim 17, wherein making calls to the common interface comprises making calls to a common interface in the new one of the executable modules (Stone, column 2, lines 49-66).

- <Claims 21 and 22>

The method of claim 1 wherein the at least one table is selected from a customer-resource association table or a customer account table (Wilson, column 17, lines 52-67).

Since the combination of Stone and Wilson discloses all of the above limitations, claims 1-6, 8-11, and 17-22 are rejected.

13. Claims 7 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stone in view of Wilson, as applied above, further in view of Nine et al. (U.S. Patent Number 6,560,611), hereinafter referred to as Nine.

14. The combination of Stone and Wilson disclosed a system for monitoring selected resources of a computing system using standardized monitoring modules. In an analogous art, Nine disclosed a network monitoring system for monitoring all services and conditions on various networks. Both systems satisfy the need for more efficient network monitoring.

15. Concerning claim 7, although the combination of Stone and Wilson did not explicitly state the use of executable modules with Java, Nine states the use of Java in his system. Since the inventions solve the same problem, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Stone and Wilson by adding the ability to utilize Java as provided by Nine. Here, the combination satisfies the need for more efficient network monitoring. See Nine, column 1, lines 47-55.

16. Concerning claims 12 and 13, although the combination of Stone and Wilson did not explicitly state the use of XML to provide polling results, Nine states the use of XML in his system. Since the inventions solve the same problem, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Stone and Wilson by adding the ability to utilize XML as provided by Nine. Again, the combination satisfies the need for more efficient network monitoring. See Nine, column 1, lines 47-55.

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17. Concerning claim 14, although the combination of Stone and Wilson did not explicitly state returning a list of services to the user, Nine states this feature in his system. Since the inventions solve the same problem, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Stone and Wilson by adding the ability to return a list of services to the user as provided by Nine. Again, the combination satisfies the need for more efficient network monitoring. See Nine, column 1, lines 47-55.

18. The above rationale also applies to those dependent claims utilizing the same combination.

19. Thereby, the combination of Stone, Wilson, and Nine discloses:

- <Claim 7>

The method of claim 1, wherein the executable modules comprise JAVA classes (Nine, column 9, lines 55-65).

- <Claim 12>

The method of claim 11, wherein results of the polling are provided in XML format (Nine, column 3, lines 37-48).

- <Claim 13>

The method of claim 11, wherein the results of the polling are provided in a format other than XML and the executable module performing the polling converts the results of the polling to XML format (Nine, column 3, lines 37-48).

Furthermore, it is well known in the art to convert data into an alternate format in a network when needed.

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- <Claim 14>

The method of claim 11, wherein the methods further comprise a fourth method that, when called, causes the executable module to return a list of services and associated parameters (Nine, column 5, line 60 through column 6, line 8).

- <Claim 15>

The method of claim 12, wherein the methods further comprise a fifth method that, when called, causes the executable module to execute a requested one of the services on a list of services (Nine, column 6, lines 9-20).

- <Claim 16>

The method of claim 15, wherein making calls to the common interface comprises making a call to the fifth method, and wherein making a call to the fifth method comprises specifying values of parameters associated with the requested one of the services received from a customer of the service provider (Nine, column 6, lines 20-25).

Since the combination of Stone, Wilson, and Nine discloses all of the above limitations, claims 7 and 12-16 are rejected.

Response to Arguments

20. In the remarks, the applicant has argued:

- <Argument 1>

There is no motivation to combine Stone and Wilson.

- <Argument 2>

The combination of Stone and Wilson does not disclose the features of claim 1 because it does not disclose “hardware configuration information” as recited in claim 1.

21. In response to argument 1, it is maintained that motivation exists to combine Stone and Wilson. It is believed that the combination satisfies the need for a more effective means for monitoring network diagnostic information, as previously stated, and that this is sufficient motivation to combine the references. One of ordinary skill in the art in network communications and monitoring with knowledge of Stone’s system would also have had knowledge of Wilson’s system and would easily have been able to combine features of Wilson’s system in order to more effectively monitor network information.

22. In support of argument 1, the applicant states that “although both Stone and Wilson are related to network monitoring generally as pointed out by the Examiner, their focuses and the problems that they address differ; Stone being directed to monitoring distinct resources and Wilson being directed to monitoring applications by monitoring communications between resources.” However, this statement is not persuasive. Both Stone and Wilson are clearly directed to monitoring resources on a network. Although the applicant feels that Wilson differs in that his system monitors communications “between resources”, this is not the case. Even systems that monitor communications between resources are still monitoring those resources. Put another way, it was well known in the art of network monitoring that monitoring of resources may be accomplished over the network whether the resource is present at only one network location or whether it is distributed across multiple locations.

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23. In response to argument 2, the combination of Stone and Wilson does disclose the hardware configuration information as recited in claim 1. The line citation to Wilson, column 14, lines 35-67, shows the storing of hardware configuration information in the system. See figure 12, item 280, cited therein. The applicant states that “such cached values do not comprise the claimed hardware configuration information,” however data such as CPU times and service request information per device clearly meets the limitation of hardware configuration information.

24. In addition, the applicant has argued that claims rejected under 35 U.S.C. 103, but not explicitly discussed, are allowable based on the above arguments. Thus, claims disclosing similar limitations to the discussed claims and related dependent claims remain rejected under the same reasoning as presented above.

Conclusion

25. The applicant's amendment necessitated the new grounds of rejection presented in this office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). The applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987.


The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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